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Confirmation No. 5543

PTO/SB/21 (03-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/070,530	
	Filing Date	March 6, 2002	
	First Named Inventor	William Alexander Denny	
	Art Unit	1624	
	Examiner Name	Thomas C. McKenzie	
Total Number of Pages in This Submission	29	Attorney Docket Number	5966-01-RG

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Rosanne Goodman Reg. No. 32,534
Signature	<i>Rosanne Goodman</i>
Date	June 24, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date <u>June 24, 2004</u>	
Typed or printed	Cindy Malocha
Signature	<i>Cindy Malocha</i>
Date	June 24, 2004

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USPTO Fax No. 703-872-9306

Confirmation No. 5543

5966-01-RG

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : William Alexander Denny, et al. EXAMINER : Thomas C. McKenzie

SERIAL NO. : 10/070,530

ART UNIT : 1624

FILED : March 6, 2002

PAPER NO. : 9

FOR : PTERIDINE KINASE INHIBITORS

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JUN 24 2004

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Petition To Withdraw Holding Of Abandonment Under 37 C.F.R. 1.181(a)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the Notice of Abandonment mailed on June 2, 2004, Applicants respectfully request withdrawal of the holding of abandonment in the above-captioned application for failure to respond to an Office Action in a timely fashion. Applicants have not abandoned this application.

On June 7, 2004, Applicants received a Notice of Abandonment mailed June 2, 2004. Attached to this Notice of Abandonment was a copy of an Official Action purportedly mailed by the United States Patent and Trademark Office (USPTO) on October 16, 2003. This Official Action was not received by the Applicants prior to receipt of the copy attached to the Notice of Abandonment. Evidence to this effect is set forth below.

On October 8, 2003, Applicants filed a Response to an Official Action mailed on July 8, 2003, rejecting the claims for Lack of Unity and issuing a Restriction Requirement. A petition for an extension of time was timely filed. No further communications were received from the USPTO in this case until May 28, 2004. On May 28, 2004, the undersigned attorney for Applicants received a telephone call from Examiner Thomas McKenzie, Ph.D., informing

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her that the case had been abandoned for failure to respond to an Official Action mailed on October 16, 2003. As stated above, Applicants never received the October 16, 2003, Office Action.

It is the usual practice in this office for all incoming mail to be date stamped by the file clerk upon arrival. Any office actions are immediately entered into the computer docketing system and are docketed for the date a response to the Official Action is due in the USPTO. In this instance, the date for response to the Notice of Non-Compliant Amendment would have been docketed for one month from the date of mailing, that is, November 16, 2003. The Official Action is then placed with the file and given to the attorney.

The undersigned attorney reviewed the file jacket of United States Serial Number 10/070,530 (Attorney docket number 5966-01-RG). According to our usual and customary business practices, if an Office Action had been received, it would have been placed in the file. There was no written communication from the USPTO in the file, after that mailed on July 8, 2003, prior to the receipt of the Notice of Abandonment.

According to our usual and customary business practices, if an Office Action had been received, it would have been entered into the electronic docketing system and a docket entry of November 16, 2003, would have been entered. The undersigned reviewed reports from the regularly maintained docketing system, which review indicated that no Office Action (Notice of Non-Compliant Amendment) was received by Applicants. Prior to receipt of the June 2, 2004, Notice of Abandonment, no entries of communications from the USPTO appear on the docketing system report after October 8, 2003, the date Applicants filed the response to the July 8, 2003, Office Action. Submitted herewith as Exhibit 1, is a printout from Applicants' docketing system identifying those action items which have been docketed to date in this application. In Exhibit 1, the latest docket entry date¹, prior to receipt of the Notice of Abandonment, was October 8, 2003. Exhibit 1 is submitted as documentary proof of the non-receipt of the Office communication.

¹ There is a docketed due date of August 8, 2003, on the docketing system report as the 1 month date from receipt of the Restriction Requirement.

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Since there are no entries in the docketing system for this file and no Office Action was found in the file, one can draw only one conclusion: the Official Action was not received in our offices.

Based on the statements set forth above, Applicants respectfully request that the holding of abandonment be withdrawn.

Applicants submit herewith the corrected section which complies with 37 CFR 1.121, the claims with the proper status identifier (Exhibit B), and requests that upon withdrawal of the abandon status of this case, these claims be allowed.

As set forth in 37 C.F.R. 1.181(a), Applicants respectfully submit that this petition does not require a fee; however, if this paper requires a fee, authorization is given to charge any necessary fees or credit any overpayment of fees to Deposit Account No. 23-0455.

Respectfully submitted,

Dated: June 23, 2004

Rosanne Goodman
Rosanne Goodman
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Attachments - Exhibit 1 (docketing system printout)
Exhibit 2 (corrected claims with proper status identifiers)

6/23/2004

Pfizer Patents Information Print

Docket No	017523	Asnd / Lic	
Country	United States	Curr Ownr	WARNER-LAMBERT COMPANY
Case Type	Regular	Orig Site	ANN ARBOR
Relation Type	NO RELATIONSHIP	Second Agent	DIRECT FILED
Filing Type	Patent Coop Treaty	Charge To	
Filing No		Assigned To	
Attorney (Prosc.)	ANGELA J. GRAYSON	Legacy Code	Warner-Lambert
Agent (Out.Cnsl)	MERCHANT & GOULD	Maint Agent	
Thera Area	CANCER	Previous Owner	
Agency Atty		Orig Owner	
Resp Site	LA JOLLA	Former DKTNO	5966
Divn	PHARMACEUTICAL	Claims Type	
Next Tax Dt		Liaison/Sci	
Tax Base Dt		2nd Thera Area	
Publication Dt	10JL2003	New Atty	
Grant Dt		Inv Type	
Appl Dt	21JE2000	Product/Candidate	
Parent Grant Dt		Patent Type	
Parent Filing Dt	21JE2000	AgtRef/US Conf #	
Sub Stat Dt	10JL2003	2nd Agent Ref #	
First Filing Dt	15SE1999	Trade Name	
Conv Type	PCT Convention	Generic Name	
Publication #	2003-0130286A1	Cand CMPD No	
Patent No		EPO Appl #	
Appl #	10/070530	Verified	N
Parent No		Customer	PEPP
Parent Country	United States	Create Dt	07AP2000
Sub Stat	PUBLISHED	Update Dt	23JE2004
Status	Filed	Update Tm	0942
Total Claims	22	Update User	TANY
Ind Claims-Desq		Update Type	A
Expiration Dt			

Actions

Action	US 20 Month Filing from PCT	Comp Dt	29MR2001
Act Due Date	15MY2001	Resp #1	
Mail Dt		Resp #2	
DeadLn Dt			
Action	Nat'l App. Filed	Comp Dt	
Act Due Date	06MR2002	Resp #1	
Mail Dt	06MR2002	Resp #2	
DeadLn Dt			
Action	US Filing Due from PCT	Comp Dt	06MR2002
Act Due Date	15MR2002	Resp #1	
Mail Dt		Resp #2	
DeadLn Dt			
Action	INFORMATION DISCLOSURE STATE	Comp Dt	06MR2002
Act Due Date	06MY2002	Resp #1	
Mail Dt		Resp #2	
DeadLn Dt			
Action	CHECK FOR POSTCARD RETURN BY	Comp Dt	22MR2002
Act Due Date	06JE2002	Resp #1	
Mail Dt		Resp #2	
DeadLn Dt			
Action	FILING RECEIPT RECEIVED	Comp Dt	29JL2002
Act Due Date	06JE2002	Resp #1	
Mail Dt		Resp #2	
DeadLn Dt			
Action	STATUS CHECK FOR ISSUED OFFI	Comp Dt	06JE2002
Act Due Date	06JE2002	Resp #1	
Mail Dt		Resp #2	
DeadLn Dt			

Jun-24-2004 12:24pm From-

T-904 P.006 F-084

Action PUBLISHED Comp Dt
Act Due Date 06JL2002 Resp #1
Mail Dt 10JL2003 Resp #2
DeadLn Dt

10JL2003

Action RESTRICTION REQUIREMENT DUE Comp Dt
Act Due Date 08AU2003 Resp #1
Mail Dt Resp #2
DeadLn Dt

08OC2003

ROSANNE GOODMAN

Action Notice of abandonment Comp Dt
Act Due Date 02JE2004 Resp #1
Mail Dt Resp #2
DeadLn Dt

07JE2004

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Int / Ext

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Reel / Frames Award #2
Int / Ext

****Title****

Title
PIRIDINE KINASE INHIBITORS

****Special Text****

Txt Type COMPOUND

Text
207844 207846 207847 207848 207849 207875 208830 208831 2088
32 208833 210327 210332 210333
212069 212070 212071 212073 212075 217027 217028 217201 2172
02 217205 217206 206851 206852
0325803 0328823

Txt Type FILING PROGRAM

Text
PCT: ALGE ANTI ASTL BARR BOSN BRAZ BULG CANA CHIN COST CROA
CURA C2EC DICA ESTO
GEOR GRIN GUIB HUNG ICEL INDI INDO ISRA JAPA KORN KORS LIBE
MADA MEXI MONG MORO
MOZM NEWZ NORW POLA SAFR SIER SING SLVK SRIL STLU TANZ TURK
TRIN UAEM UKRA UZBE

P/E: ALBA ATRA BELG CYPR DENM FINL FRAN GBRI GERM GREC IREL
 ITAL LATV LITH LUXE MACE
 MONA NETH PORT ROMA SOLV SPAI SWED SWIT; P/EUR: ARME AZER
 BELA KAZA KYRG MOLD
 RUSS TAJK TKMN; P/ATOP: AFRC BENI BURK CAME CHAD CONG GA
 BO GUIN IVOR MALI MAUA
 NIGR SENE TOGO; P/AP: GAMB GHAN KENY LESO MAWI SUDA SWAZ
 UGAN ZIMB.

Txt Type National Filing

Text
 10/070530;06/21/2001

Txt Type WL Operation

Text
 01;Pharmaceuticals

Txt Type WL Sector Code

Text
 NAPH;North America Pharmaceutical Group

Txt Type WL Division

Text
 AA;Ann Arbor Division

****Abstract****

Abstract

DISCLOSED ARE COMPOUNDS OF THE FORMULA IA IB IC ID WHEREIN:
 W IS NH, S, SO, OR SO₂; R₂
 IS (UN)SUBSTITUTED ARYL, (UN)SUBSTITUTED HETEROARYL, OR (UN)
 SUBSTITUTED CARBOCYCLE
 OR HETEROCYCLE; Q IS HYDROGEN OR LOWER ALKYL; R₄ AND R₆ ARE
 THE SAME OR DIFFERENT
 AND REPRESENT HYDROGEN, HALOGEN, LOWER ALKYL, LOWER ALKOXY,
 (UN)SUBSTITUTED ARYL,
 (UN)SUBSTITUTED HETEROARYL, (UN)SUBSTITUTED ARYLALKYL OR (UN)
)SUBSTITUTED
 HETEROARYLALKYL; AND R₈ IS HYDROGEN, LOWER ALKYL OR AN (UN)S
 UBSTITUTED
 CARBOCYCLIC GROUP CONTAINING FROM 3-7 MEMBERS, UP TO TWO OF
 WHICH MEMBERS ARE

6/23/2004

Pfizer Patents Information Print

OPTIONALLY HETERO ATOMS SELECTED FROM OXYGEN AND NITROGEN; O
 R R₈ IS
 (UN)SUBSTITUTED ARYL, (UN)SUBSTITUTED HETEROARYL, (UN)SUBSTI
 TUTED ARYLALKYL OR
 (UN)SUBSTITUTED HETEROARYLALKYL. THESE COMPOUNDS ARE USEFUL
 FOR TREATING CELL
 PROLIFERATIVE DISORDERS, SUCH AS CANCER AND RESTENOSIS. THE
 SE COMPOUNDS ARE
 POTENT INHIBITORS OF CYCLIN-DEPENDENT KINASES (CDKS) AND GRO
 WTH FACTOR-MEDIATED
 KINASES. THE PRESENT INVENTION ALSO PROVIDES A METHOD OF TR
 EATING CELL
 PROLIFERATIVE DISORDERS. ALSO PROVIDED BY THE PRESENT INVEN
 TION IS A
 PHARMACEUTICALLY ACCEPTABLE COMPOSITION CONTAINING A COMPOUN
 D OF FORMULA I.